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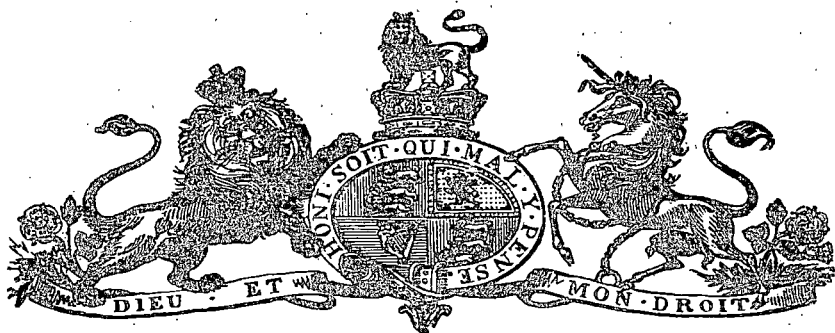
1884.

PARLIAMENT OF TASMANIA.

TAYLOR'S LAND CLAIM:

**REPORT FROM THE SELECT COMMITTEE, WITH MINUTES
OF PROCEEDINGS AND EVIDENCE.**

Brought up by Mr. Reibey, and ordered by the House to be printed,
September 12, 1884.



SELECT COMMITTEE appointed, on the 17th July, to examine into and report upon John Taylor's claim to purchase 250 acres of Land in the Parish of Woodside, County of Westmoreland.

MEMBERS OF THE COMMITTEE.

MR. ARCHER.
MR. BIRD.
MR. W. T. H. BROWN.

MR. BURGESS.
MR. BRADDON.
MR. REIBEY. (*Mover.*)

DAYS OF MEETING.

24th July. 31st July. 11th August. 11th September. 12th September.

WITNESSES EXAMINED.

Mr. C. P. Sprent, Deputy Commissioner of Crown Lands. Mr. A. Armstrong, Farmer, Bishopshourne.
The Hon. William Dodery, M.L.C.

EXPENSES OF WITNESS.

Mr. A. Armstrong, £3 16s.

MINUTES OF MEETINGS.

THURSDAY, JULY 24, 1884.

The Committee met at 11 A.M.

Present—Mr. Archer, Mr. Reibey, Mr. Bird, Mr. Brown.

Mr. Reibey was voted to the Chair.

The Chairman laid upon the table the following papers :—

1. Letter from Mr. Taylor to Mr. Reibey requesting him to have his claim investigated.
2. Mr. Sprent's epitome of Taylor's case.
3. Mr. Taylor's statement of the grounds on which his claim is based.
4. The papers and correspondence relating to the application of Mr. Taylor, tabled by the Hon. the Minister of Lands and Works on the 10th July.

The Committee deliberated.

Ordered, that Mr. Sprent, Mr. Scott, and Mr. Dodery be summoned on dates to be hereafter fixed.

The Committee adjourned to Thursday next at 11 o'clock.

THURSDAY, JULY 31, 1884.

The Committee met at 11 A.M.

Present—Mr. Bird, Mr. Burgess, Mr. Braddon, Mr. Brown, Mr. Reibey (Chairman).

The Minutes of last meeting were read and confirmed.

Mr. C. P. Sprent, Deputy Commissioner of Crown Lands, was called in and examined.

Mr. Sprent withdrew.

Ordered, that the Clerk write to Mr. Taylor requesting him to name some practical farmer of reliable character in order that he may be examined by the Committee as to the fitness of the land for agricultural purposes or otherwise.

The Committee adjourned at 12.10 P.M. till Wednesday, 13th August, at 11 A.M.

WEDNESDAY, AUGUST 11, 1884.

The Committee met at 11 A.M.

Present—Mr. Bird, Mr. Braddon, Mr. Archer, Mr. Reibey (Chairman).

The Minutes of last meeting were read and confirmed.

The Chairman informed the Committee that Mr. James Taylor had named Mr. A. Armstrong as a competent and reliable witness to testify as to the quality of the land under the consideration of the Committee, and that Mr. Armstrong had accordingly been summoned to appear to-day.

The Chairman laid upon the table a letter from Mr. Armstrong giving his opinion of the quality of the land in question.

Mr. Armstrong was called in and examined.

Mr. Armstrong withdrew.

The Committee adjourned at 12.20 P.M. till Thursday, the 11th September, at 11 A.M.

THURSDAY, SEPTEMBER 11, 1884.

The Committee met at 11 A.M.

Present—Mr. Archer, Mr. Braddon, Mr. Reibey.

The Minutes of the last meeting were read and confirmed.

The Hon. W. Dodery, M.L.C., was called in and examined.

The Hon. W. Dodery, M.L.C., withdrew.

The Committee adjourned at 12.10 P.M. till 11 A.M. on Friday, 12th inst.

FRIDAY, SEPTEMBER 12, 1884.

The Committee met at 11.30 A.M.

Present—Mr. Braddon, Mr. Bird, Mr. Reibey (Chairman).

The Minutes of the last meeting were read and confirmed.

The Committee deliberated.

Draft Report drawn up and adopted.

The Committee adjourned at 12.20 P.M., *sine die*.

R E P O R T.

YOUR Committee beg to report that they have examined three witnesses, and have had before them all the papers relating to Taylor's case.

After fully considering the oral and documentary evidence before them, your Committee have arrived at the conclusion that, although the Minister of Lands may have acted within the law, wrong has been done to Taylor in this matter.

It is clear from the evidence that the land for which Taylor made application was, as to its situation, not such as should have been declared closed against agricultural selection; it adjoined land which had been selected for agricultural purposes, and was at the time on the border of a pastoral run which has since been resumed for the purpose of sale.

As to the character of the land, and its fitness for agriculture, the evidence before us materially differs. But there is the incontrovertible evidence of the auction sale, which shows that this land was ultimately purchased at the full price payable for agricultural selection,—viz., one pound per acre.

There is no reason to doubt that Taylor made his application with no other intention than that of settling on this land; his application was accepted, he duly paid the survey fee, he was kept in suspense for over two years, and only after that protracted period was he informed (without sufficient reason, we think) that the land he had applied for was unfitted for agriculture.

It is not possible to do justice to Taylor by giving him the land, and we would therefore recommend that he be compensated by money payment.

THOS. REIBEY, *Chairman.*

Committee Room, 12th September, 1884.

E V I D E N C E.

THURSDAY, JULY 31, 1884.

MR. C. P. SPRENT, *Deputy-Commissioner of Crown Lands, called in and examined.*

1. *By the Chairman.*—Your name? Charles Percy Sprent.
2. And office? Deputy-Commissioner of Crown Lands.
3. Do you know the particular lot of land applied for by John Taylor? I do.
4. Do you consider it to be fit for Agricultural purposes? I have no personal knowledge of the land.
5. From what you have heard do you think it fit for Agricultural purposes? I cannot say, unless I saw the land; I can only judge from the reports made to me, which are conflicting.
6. Have any lots in the same locality been sold as Agricultural land? Yes, apparently they have.
7. Do you know how many? Over a dozen.
8. Do any of the lots sold as Agricultural land adjoin this particular lot applied for by John Taylor? No, not any; the lands adjoining it were disposed of under old grants.
9. Are those granted lands adjoining the lot in question used for Agricultural purposes? I do not know.
10. Was John Taylor entitled to apply for the land claimed under the 24th Section of the Waste Lands Act? He was.
11. *By Mr. Bird.*—What is the rule which is followed by the Lands Department when applications are received for land about which there may be a question, as to its fitness for Agricultural purposes? The rule would depend upon the judgment of the Minister of Lands of the day. The present practice is to submit all such applications to the Minister of Lands; if the Minister approves, the land is surveyed, and on the surveyor's report the Minister decides whether it is Agricultural land or not. If it is a portion of a pastoral lease, and a selection in the middle of a lease not adjoining a boundary or purchased land, he withholds his approval.

12. Do you mean that when such a case occurs he necessarily withholds his approval? I do; the Minister would require further evidence to satisfy him that such land should be sold.

13. Was this lot for which application was made, on a pastoral lease? It was.

14. And was it away from the boundary of the run, and not adjoining purchased land? It adjoined purchased land.

15. Then the rule of which you speak was not observed? This land was dealt with by a former Minister, of whose practice I cannot speak.

16. Do you know the grounds on which the Minister of the day refused Taylor's application? That it was not Agricultural land.

17. Have similar applications been refused ordinarily, on similar grounds, either by present or past Ministers? Not by the present Minister of Lands: I cannot say what his predecessors may have done.

18. Then, as far as you know, the refusal was singular? Yes.

19. Do you think it was the action of the owner of adjoining lands, who was also the lessee of the ground applied for, that led the Minister of Lands to consider the land unfit for Agricultural purposes? The action of the lessee in protesting against the sale of the land led him to take steps to satisfy himself whether the land applied for was Agricultural land within the meaning of the Act.

20. You regard the subsequent steps of the Minister of Lands, taken with a view to ascertain the character of the land, as being in accordance with the directions of the Act? I do.

21. Do you consider that the report furnished by the person appointed to examine the land in question precluded the Minister of Lands from allowing the land to be taken under the 24th Section of the Waste Lands Act? I do not think he had any alternative but to refuse to sell it under the 24th Section.

22. On learning of this refusal on the part of the Minister of Lands, there was a subsequent application made by Mr. Taylor for the land to be sold as pastoral land, was there not? There was.

23. The land was so put up, was it not? Yes.

24. And Mr. Taylor was not the purchaser? He was not.

25. Do you regard the whole of the proceedings, in so far as the Minister was concerned, as being in accordance with the Act? Yes; in accordance with the strict letter of the Act, but not in accordance with the spirit of the Act.

26. *By Mr. Braddon.*—What was the area of the pastoral lease to which this lot appertained? About 1500 acres.

27. Will you point out that pastoral lease on the chart before the Committee? The land has been resumed for the purpose of sale.

28. Were the lots selected in the immediate vicinity selected as Agricultural land by various persons, and in small areas? Yes.

29. *By Mr. Reibey.*—When Mr. Taylor applied for the land under the 24th Section of the Waste Lands Act, did not the lessee claim it as part of his estate? No, he did not; the Lands Department made a mistake in the matter; they thought Taylor was claiming part of Archer's property, which he had not done.

30. Then the lessee of the land applied to have it put up by auction? Yes.

31. *By Mr. Bird.*—Was Mr. Archer's application to have the land put up to auction as pastoral land prior or subsequent to Taylor's similar application? It was prior to Taylor's.

32. Then Mr. Archer put in a protest against its sale as Agricultural land, did he not? He did.

33. *By Mr. Reibey.*—Had the rent been regularly paid by the lessee? I cannot say.

34. *By Mr. Bird.*—At what price was this land put up for auction as pastoral land? One pound per acre.

35. *By Mr. Reibey.*—Was it sold at One pound per acre? Two lots were.

36. *By Mr. Bird.*—Would not the fact that the upset price was fixed at One pound per acre indicate that the land was considered unusually good for pastoral land? No land is ever put up for the first time at less than One pound per acre.

37. Does pastoral land often bring One pound per acre? Yes, if any one wishes particularly to secure it.

Mr. Sprent withdrew.

WEDNESDAY, AUGUST 13, 1884.

MR. ALEXANDER ARMSTRONG, *Farmer, Bishopsbourne, called in and examined.*

38. *By the Chairman.*—You reside at Bishopsbourne? I do.

39. You are a farmer? I am.

40. For how many years have you been a farmer? All my life; for 25 years on my own account.

41. Do you know the section of land applied for by J. Taylor? Yes; he showed me over it.

42. Do you consider it to be fit for agricultural purposes? I do.
43. Does any agricultural land adjoin it? Yes, that occupied by Mr. Tubbs.
44. If you wanted to buy land for agricultural purposes would you consider the lot in question to be unfit for such a purpose? I should not.
45. If you wanted a farm would you buy such a lot? Yes, I would.
46. Do you know Skirving and Wheeler? I do.
47. Are they practical farmers? They are.
48. Would you take their opinion on such a subject? I would.
49. *By Mr. Bird.*—Do you know the size of this block of land applied for by Taylor? About 260 acres, I think.
50. How much of it is arable? The whole of it is arable, but some portions are not as good as others. There are 100 acres of really good land. The land is not heavily timbered.
51. Is any portion of the land now under cultivation? No.
52. Is it used as a run? It is; cattle were running over it when I saw it.
53. Does Mr. Tubbs, who holds the adjoining block of land, cultivate it? He does.
54. Is his land better than that which Taylor applied for? I do not think it is any better.
55. *By Mr. Braddon.*—Do you agree with the following description of the land in question given by the Hon. Wm. Dodery:—"The portion applied for by Taylor is situated on Weston's Rivulet, and there is a very limited patch of bottom land, with numerous patches of rocks and stones, the whole, or nearly so, subject to flood. If I may judge from the drift stuff, the whole of the upper land consists of hungry grit and ironstone, with rocks and stones occasionally?" I do not; there are some patches of stones, many of which are loose surface stones and could be removed, but very little grit. The description might apply to a portion of the land, but certainly not to the greater portion, which is good. The whole of the land would be good for wheat growing.
56. *By Mr. Bird.*—What do you consider the land to be worth at the present time? I cannot say; the land is unimproved and in its natural state.
57. Does the character of the timber correspond with the following description given by Mr. Dodery:—"The timber is generally peppermint, which usually grows upon poor soil, an occasional gum-tree, some honeysuckle, and very stunted wattles?" Generally speaking, it does.
- Mr. Armstrong withdrew.

THURSDAY, SEPTEMBER 11, 1884.

The Hon. WILLIAM DODERY, M.L.C., called in and examined.

58. *By the Chairman.*—Your name is William Dodery, and you are a Member of the Legislative Council? Yes.
59. Do you know the land applied for by John Taylor, adjoining Salisbury? I know one lot, that which I was called to view and report upon.
60. You have visited and inspected that lot? Yes.
61. Do you consider it fit for Agricultural purposes? I do not. I made a report to the Hon. the Minister of Lands on the matter. I presume it was referred to me because the land in question was adjoining that of the brother of Mr. W. H. D. Archer, who was Warden of the District. On previous occasions matters similar to this were referred to the Warden.
62. Do you know that any land adjoining his has been sold as Agricultural land? No, there was none at that time.
63. Do you know the men, Andrew Skirving and William Wheeler? I do.
64. Are they practical farmers? Yes, I believe they both are.
65. Would you consider them fitted to decide as to whether land is fit for agricultural purposes or not? I would.
66. Do you know a block of land occupied by Tubbs, adjoining this land applied for by Taylor? I did not go on to it, I only saw it from the land applied for by Taylor on the opposite side of the creek. From appearance it is very different land from that which I inspected. When I went to inspect the land applied for by Taylor, in company with Mr. R. J. Archer who leased it, I met Taylor on the ground, and another man named Powell who was an applicant for an adjoining lot to Taylor's. I had written to Taylor asking him to inform Powell that I would be there on that particular day. When I met them I said, "I want to be shown the best portions of the land you are applying for; show me all of it, but particularly the best portions." They agreed to do so, and we then proceeded with the inspection. The land was principally peppermint rises with sharp gritty ironstone gravel, very bare of grass in most places; the whole character of the land I saw was, in my opinion, unfit for agricultural purposes, excepting here and there a little gully of small extent, in which the ground was of a little better character, and with a little more grass, but only such spots as would be desirable on any ordinary sheep-run. There were also a great number of those small ferns which indicate poor hungry ground.

67. If J. Taylor considered the land worth purchasing for agricultural purposes do you think the Minister of Lands was justified in refusing to let him purchase it in accordance with Section 24, Waste Lands Act? I do not know; circumstances alter cases. I would not like to express an opinion, because in some cases people apply to purchase land in leaseholds in order to annoy the lessees, and thus force them to buy them out.

68. Do you think James Taylor is a man who would buy simply to annoy or to be bought out? I do not. I think he would be a *bonâ fide* settler.

69. Do you know Mr. Alexander Armstrong, of Bishopsbourne? I do.

70. Do you consider him to be capable of judging as to whether land is fit for agricultural purposes or not? I think he is capable.

71. *By Mr. Archer.*—Do you know whether Tubbs has prospered in the occupancy of his farm? I know him to be industrious and hardworking, and having other property, which no doubt enabled him to proceed with his operations; even with that he has been subjected to considerable hardship in working this land.

72. Do you think there is any comparison between the two pieces of land—that applied for by Taylor and that of Tubbs? I do not; Tubbs' is a nice piece of land, capable of improvement by hard work. Taylor's is of a barren description.

73. Do you think the following description given of this land is correct:—"The whole of the land would be good for wheat-growing?" Most certainly not. I should be sorry to give half-a-crown an acre for it for cultivation.

74. *By Mr. Braddon.*—You speak of better land between the rises. What proportion would this bear to the whole? A very small proportion. The largest patch was a gully of perhaps 20 yards wide between the hills, which in winter time was a run for water. This gully was at the back of the land.

75. What would be the value of this better land? If like the land in the gullies it would be a very desirable purchase at 20s. an acre on credit, but there is so little of it it would be impossible to select a 5-acre patch in any one part, except you took the strips right through the gullies.

76. Is this land applied for by Taylor heavily or lightly timbered? Moderately timbered,—peppermints, with here and there a wattle or honeysuckle.

77. What are the circumstances to which you refer as affecting cases of this sort? As an example, a man might state that he considered land fit for agricultural purposes and apply for it as such, although he did not want it for that purpose, but simply with the intention of being bought out by a neighbouring lessee to whom he would make himself a source of annoyance. An application might also be put in to secure a block of land for the sole purpose of cutting off the connection of some lessee with the back country.

Mr. Dodery withdrew.